

Policy Name: Corrective Action
Approving Authority: Academic Council

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Statement

The Corrective Action Policy of Beal University Canada (“BUC” or the “University”) provides the review, inquiry and appeals process for academic and non-academic misconduct offense. The Academic Council will review this policy annually.

Purpose

The Corrective Action Policy identifies the review, inquiry and appeals process for academic and non-academic misconduct offenses. The policy further details the appeals process with application of the principles of natural justice.

Roles and Responsibilities

The Corrective Action Policy applies to all students enrolled at the University, faculty, staff and all individuals performing University-related work or utilizing University resources. The Dean and Vice President of Academics have the responsibility of implementation of this policy. The Appeals Committee has the responsibility to ensure the policy is adhered to for the appeals process.

Policy

Allegations, Review and Inquiry of Misconduct

Review and Inquiry

The University’s review and inquiry into the alleged misconduct is based on the principles of natural justice.

These include:

- Right to be heard: The student has a fair opportunity to present her/his case to an appropriate body or forum, via an appeal or other means.
- Freedom from bias: The decision maker is impartial.
- Evidence-based decision-making: The decision is based on substantiated evidence.
- Medical condition: Any medical situation is taken into consideration.
- Compassion is employed when reviewing circumstances.

The University’s process of review and inquiry of an alleged misconduct is as follows:

1. A person with a complaint containing allegations of misconduct must complete the Academic Misconduct form for academic misconduct or the Violation of Student Code of Conduct Incident Report Form for non-academic misconduct, which will be forwarded to the Dean or department head where the respondent holds an appointment or is registered as a student. Refer to Addendum 1 for Academic Misconduct Form and Addendum 2 for Violation of Student Code of Conduct Incident Report Form.
2. On receipt of an allegation of misconduct, the Dean shall determine whether the allegations fall within the definition of misconduct.

3. Where a complaint falls within the definition of misconduct, the Dean shall:
 - a. Immediately notify the respondent that a complaint has been received and send a copy of the complaint and any documentation provided with the complaint to the complainant.
 - b. Not later than three working days after receiving a complaint, appoint a reviewer who shall be a senior faculty or academic staff member in a department other than that (those) of the respondent(s) and complainant(s) to conduct a review. The Dean shall appoint a senior faculty or academic staff member from another Faculty. The purpose of the review is to determine whether the complaint warrants an inquiry.
 - c. Advise the respondent and complainant of the name of the person appointed to conduct the review.
4. Any objection to the person appointed to conduct the review, shall be made to the Dean within seven days. The only grounds for objection are alleged bias or conflict of interest. The Dean's disposition of any such objection shall be final.
5. The reviewer shall proceed informally and in complete confidentiality.
 - a. The respondent shall be invited to make a written submission that responds to the complaint and to submit any documents that may be relevant to the complaint. Prior to submitting their report, the reviewer may request the complainant and the respondent to comment on all or portions of a draft report.
 - b. Within ten days of being appointed, the reviewer shall report in writing to the Dean, with copies to the respondent, the complainant, and the President.
 - i. A report may conclude that the complaint does not warrant an inquiry only on one or more of the following grounds:
 1. the complaint does not pertain to an activity as defined in the policy;
 2. the complaint is trivial, frivolous, or vexatious;
 3. there is insufficient evidence for an inquiry to consider;
 4. the complaint is made in bad faith; or
 5. the lapse of time since the conduct in question has been such that the matter cannot be properly investigated because of the unavailability of witnesses, the absence or loss of records, or similar reasons.
 - c. If the respondent is not satisfied with the decision of the reviewer, the respondent has the right to appeal the decision.
6. Where the report concludes that the complaint warrants an inquiry, the report shall:
 - a. specify the allegations of misconduct that require an inquiry;
 - b. include particulars of the evidence considered by the reviewer that may be relevant to each allegation of misconduct;
 - c. list of any documents considered by the reviewer; and
 - d. attach copies of all documents provided to the reviewer by either the complainant or the respondent.
7. Where the report of the reviewer concludes that the complaint does warrant an inquiry, the Dean shall, within three working days of receiving the report,
 - a. Appoint an ad hoc committee, "Committee of Inquiry". The committee shall consist of three members who are not members of either the respondent's or the complainant's departments. One of the members should be chosen from outside the faculty of either the respondent or the complainant and maybe from outside the University. One of the members shall be appointed as the Chair. The President shall advise the respondent and the complainant of the composition of the Committee of Inquiry.
 - i. Any objection to the composition of the Committee of Inquiry shall be made to the President within seven days. The only grounds for objection are alleged bias

or conflict of interest. The President's disposition of any such objection shall be final.

8. The Committee of Inquiry
 - a. is responsible:
 - i. to determine whether the respondent has committed a misconduct; and
 - ii. to provide recommendations.
 - b. has the right to see any relevant documents in the possession of the University or a Member, to call witnesses, and to request written submissions. It may seek impartial expert opinions to ensure that its work is thorough and informed. It acts as a quasi-judicial body, and therefore its activities are privileged under the Right to Information and Protection of Privacy Act (S.N.B., 2009, R-10.6) and the Personal Information Protection and Electronic Documents Act (PIPEDA).
9. The Committee of Inquiry shall either hold a hearing on the matter or (with the consent of the respondent) conduct its inquiry solely on the basis of written submissions. In either case, when determining its procedures, the Committee of Inquiry shall ensure that the rules of natural justice and administrative fairness are observed.
10. The Committee of Inquiry shall invite the respondent to make a submission in writing prior to its seeking or obtaining any further information or submissions. All documentation submitted to the Committee of Inquiry shall be made available to the respondent. The respondent shall be given the opportunity to respond fully to the evidence presented in writing. If applicable, ethical or research guidelines of a professional organization of which the Respondent is a member, and which are applicable to the subject matter of the complaint are admissible as evidence before the Committee of Inquiry and may be considered by the Committee of Inquiry in making any decision or recommendation.
11. In the case of a hearing, the respondent may be accompanied by an advisor if the respondent so desires. The respondent shall have the opportunity to question witnesses presented to the Committee of Inquiry and the opportunity to call witnesses on behalf of the respondent.
12. Within fourteen days of being appointed, the Committee of Inquiry shall complete its inquiry and shall report in writing its decision with reasons to the President. The Committee's report is considered a private, not a public, document.
 - a. The Committee of Inquiry shall determine whether clear, cogent and convincing proof establishes a preponderance of evidence that the respondent has committed a misconduct and shall make recommendations with respect to any appropriate disciplinary action that should be instituted against the respondent.
 - b. The Committee of Inquiry's finding shall be final.
13. Where the Committee of Inquiry finds that there has not been any misconduct in a Scholarly Activity that is the subject of the complaint, the Committee of Inquiry shall make recommendations with respect to:
 - a. steps that should be taken by the person who made the initial allegation of misconduct; and
 - b. steps that could be taken by the University to help overcome any damage that the respondent's reputation for scholarly integrity may have suffered by virtue of the complaint.
14. The President shall immediately provide copies of the report to the respondent, the complainant and the Dean and, as appropriate, shall promptly:
 - a. advise the respondent and the Dean that the complaint is dismissed; or
 - b. advise the respondent and the Dean that the complaint is substantiated as misconduct, which can appropriately be dealt with by the Dean; or

- c. advise the respondent and the Dean that the complaint is substantiated as serious misconduct and appropriate disciplinary action will be taken in accordance with applicable University policies.

Appeal process

1. Where there are grounds for doing so, complainants have the right to appeal any decision by any faculty member, committee, or administrator at Beal University Canada within 14 days of receiving the final report of the inquiry. Decisions might be appealed on one or more of the following grounds:
 - Procedures were not correctly followed in making the decision.
 - University policy was incorrectly interpreted and applied;
 - There was a fundamental procedural error seriously prejudicial to the student;
 - The decision maker erred in interpreting the facts or assessing the evidence.
 - The decision-making process was not consistent with the generally understood principles of procedural fairness (natural justice).
 - the student did not have a fair opportunity to present her/his case to an appropriate body of forum, via an appeal or other means;
 - Freedom from bias: The decision maker was not impartial;
 - Evidence-based decision-making:
 - The decision was not based on evidence, but on speculation or suspicion; and/or
 - The decision was not communicated in a way that made clear what evidence was used in making the decision.
 - Medical: An unforeseen medical condition affected the student's ability to meet her/his academic obligations.
 - Compassion: Events and circumstances beyond the control of the student seriously impaired the student's ability to meet her/his academic obligations.
2. If a complainant wishes to appeal a decision, the complainant must complete an Appeal Form (Addendum 3), with all supporting documentation, to the Appeals Committee ("AC") within seven days from the notification of the final report. The form can be obtained from the President or Student Services department.
3. The Dean or Vice President of Academics will submit all documentation to the Appeals Committee for review.
4. Within seven days of receiving the Appeal form, the Dean or Vice President of Academics will communicate with the complainant the date the Appeals Committee will meet.
5. The AC will review the appeal and supporting documentation. The complainant will be requested to attend the meeting.
6. The AC has the responsibility for communicating the final decision, within seven days of the meeting, to the complainant with consideration of the best interests of the complainant and University.
7. The AC will communicate, in writing, to the complainant the AC's final decision. The AC's decision is final.

Burden of proof: Dissatisfaction with University policy, unhappiness with the outcome of a decision, and technicalities that do not materially affect a decision are not sufficient grounds for appeal. When appealing any decision, it is the complainant's responsibility to present evidence and argument addressing one or more of the grounds for appeal as set out above.

Costs Incurred by the Respondent

Following the completion of the appeals process, the University will not be liable for any costs incurred by the respondent in relation to the completion of or termination from the program or any processes under this policy.

Over-riding Duty to Protect

If at any time, the Dean believes that any alleged unprofessional conduct creates an actual or potential risk to the safety of clients, students, staff, or members of the public, the Dean shall take reasonable measures to ensure that the respondent is not in contact with any individuals potentially at risk, including contacting the police or other authorities.

Confidentiality

All disclosures, reports and complaints made under this policy will be treated in a confidential manner. The Dean, and all University faculty and staff who receive a report or complaint under this policy or who are involved in addressing or investigating it must keep the matter confidential in order to safeguard individuals against unsubstantiated allegations, to protect complainants from retaliation or reprisal, to protect the rights of those involved in the allegations and prevent an unjustified invasion of their personal privacy and to preserve the integrity of the appeals process.

Related Policies and Documents

Addendum I: Academic Misconduct Form

Addendum II: Violation of Student Code of Conduct Incident Report Form

Addendum III: Appeal Form

Addendum IV: FlowChart

Addendum I

Academic Misconduct Form

STEPS FOR MANAGING ACADEMIC OFFENSES

1. The Dean, in conjunction with the instructor of record, will contact the student in a timely fashion and discuss the matter thoroughly.
2. If the Dean concludes that the student has committed academic misconduct, the instructor must complete an Academic Misconduct Form and submit it to the Dean.

**For the full process, please see the Corrective Actions Policy.*

BACKGROUND INFORMATION

Your Full Name:

Your Phone Number:

Your Beal University Canada Email Address:

Course Number:

Course Title:

Today's Date:

INVOLVED STUDENTS

Names of all students involved and a brief description of how they are involved

REFERRAL

Please provide a detailed description of the incident and how you became aware of this incident and share the details that help identify it as misconduct (e.g., identical content to another source, answers incorrect but aligned with another version of an exam, similar incorrect answers, etc.).

Please summarize any contact or meeting you had with the student/s involved regarding the incident, including the date & time. If via email only, please upload any email interactions as part of your case documentation.

Please indicate whether the student acknowledged responsibility for the violation. If more detail/explanation beyond yes or no is needed, please explain in the summary of the contact or meeting with student (previous prompt). PLEASE NOTE: If a student admitted responsibility to you, you can assign their grade/academic outcome prior to making this referral.

Please indicate any actions you have taken in the case (list actions taken toward grading/withholding of grading the work, opportunity to resubmit work for partial credit, reduction of overall class grade, course failure, student dropped course, etc.).

SUPPORTING DOCUMENTATION

Please email this form to your supervisor with all supporting documentation relevant to the case. (multiple files may be uploaded); e.g., plagiarized work, copies of assignments, tests, quizzes, screen shots, photos/images, comparison examples, email exchanges, etc.

Addendum II

Violation of Student Code of Conduct Incident Report

If you have knowledge of a Beal University Canada student violating the Student Code of Conduct, you are encouraged to notify the Dean of the incident. Please use this form to report any behaviors of concern involving the BUC community, whether these behaviors occur inside or outside of the classroom setting.

Reporting Party Information

Reporter's first and last name

First

Last

Reporter's position/title

Reporter's phone number

Reporter's email address

Urgency of this report:

- a. Normal
- b. Urgent

Date of Incident: _____ Time of Incident: _____ AM / PM (Circle one)

Location of Incident: On Campus / Off Campus / Online (Circle one)

Specific Location: _____

Student Information

Full Name: _____ Phone Number: _____

Email address: _____

Questions

Please Select the Student Code of Conduct Violation(s) (circle all that apply):

- a. Disruptive behavior or open defiance of authority.
- b. Theft or destruction of University or private property.
- c. Harassment, horseplay threats, verbal abuse or violence of any kind.
- d. Profanity, insubordination, dishonesty or violation of safety rules.
- e. Assault or threat towards a student, district personnel, or an authorized visitor.
- f. Misconduct to a person resulting in injury or death which includes property damage and theft.
- g. Unsafe behavior in a clinical or lab setting that poses a threat to self or others.

- h. Unlawful use, sale, possession or presence of being under the influence of any controlled substance.
- i. Failure to comply with the Campus Dress Code.
- j. Smoking.
- k. Inappropriate use of electronic devices.
- l. Failure to comply with emergency or safety practices, tampering with safety equipment or violation of any safety rules.
- m. Disorderly, lewd, indecent, or obscene conduct.
- n. Possession or use of any firearms, explosives, dangerous chemicals, weapons, or other potentially harmful substances.
- o. Obstruction or disruption, on or off campus.
- p. Physical abuse or threat of physical abuse.
- q. Misrepresentation of self.
- r. Soliciting or assisting another in an act violating the Student Code of Conduct.
- s. Use, possession, or distribution of alcoholic beverages and /or illegal narcotics/drugs.
- t. Unauthorized recording, dissemination, and publication of academic materials in any medium.
- u. Threatening actions or force to injure, intimidate or oppress because of race, color, religion, ancestry, national origin, disability, gender, or sexual orientation.
- v. Academic dishonesty: Falsification, plagiarism, cheating, and fabrication.
- w. Violation of Copyright Laws.
- x. Electronic devices used in an Externship/Clinical setting.

Other: (Please provide detailed description below)

Please provide a detailed description of the incident/concern using specific concise, objective language (who, what, where, when, and why)

What actions have you taken regarding the violation?

Supporting Documentation:

Please provide documents related to the reported incident.

(128MB maximum total size. **Attachments require time to upload so please be patient after submitting this form.**)

Addendum IV



